

26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HOGENKAMP *et al.*

Appl. No.: 09/803,659

Filed: March 12, 2001

For: **Aryl Substituted Pyrimidines (as amended)**

Confirmation No.: 6633

Art Unit: 1624

Examiner: Balasubramanian, V.

Atty. Docket: 1861.1260001/JMC/THN

**Petition to Withdraw from Issue under 37 C.F.R. § 1.313(c)(2)
for Consideration of a Request for Continued Examination**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RECEIVED

MAR 26 2004

Sir:

OFFICE OF PETITIONS

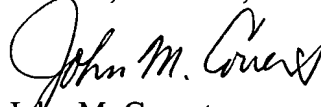
It is hereby petitioned under 37 C.F.R. § 1.313(c)(2) that the above-captioned application be withdrawn from issue for consideration of the accompanying Request for Continued Examination in compliance with 37 C.F.R. § 1.114.

It is believed that no extensions of time are necessary, other than those that are otherwise provided for herewith. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the above-captioned application, then such extensions of time are hereby petitioned.

This petition is accompanied by the required fee (37 C.F.R. § 1.17(h)) in PTO-2038 Credit Card Payment Form. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert
Attorney for Applicants
Registration No. 38,759

Date: March 26, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

244926_1.DOC

28

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HOKENKAMP *et. al.*

Application No.: 09/803,659

Filed: March 12, 2001

For: Aryl Substituted Pyrimidines (as amended)

Confirmation No.: 6633

Art Unit: 1624

Examiner: Balasubramanian, V.

Atty. Docket: 1861.1260001/JMC/THN

Remarks Accompanying Request for Continued Examination

RECEIVED

MAR 26 2004

OFFICE OF PETITIONS

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Prior to action on the merits in the Request for Continued Examination of the above-captioned application, Applicants submit the following Remarks.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Remarks

Reconsideration of this application is respectfully requested. Claims 1-12, 14, 15, 17-26, 28, 29, 31-39, 41-48, 50, 51, 59-61, 63-66, and 68-72 are pending in the application, with claims 1, 2, 39, 50, 59, 63, 68, 69, and 72 being the independent claims. Claims 1-12, 14, 15, 17-26, 28, 29, 31-39, 41-48, 50, 51, 59-61, 63-66, and 68-72 were previously allowed by the Examiner. No new matter has been introduced into the captioned application.

Fifth Supplemental Information Disclosure Statement

Filed herewith is a Fifth Supplemental Information Disclosure Statement. U.S. Patent Nos. 4,762,835 ("the '835 patent"), 4,962,109 ("the '109 patent"), and 5,010,200 ("the '200 patent") are cited in the accompanying Form PTO-1449. The Hungarian Patent Publication No. HU 206 202 B that corresponds to the above-mentioned U.S. patents was cited during the prosecution of the corresponding Hungarian Patent Application No. P0300466. HU 206 202 B was indicated to be defining the state of the art only.

Also cited in the accompanying Form PTO-1449 are the Novelty Search Report for Hungarian Patent Application No. P0300466, dated August 7, 2003, along with the Hungarian language abstract of HU 206 202 B (reference AS54), and a partial translation of Japanese Unexamined Patent Application JP 56-104883 previously cited in Applicants' First Supplemental Information Disclosure Statement (reference AN2) filed January 17, 2002, and initialed and acknowledged by the Examiner on March 8, 2002.

The claims as previously allowed do not read on the compounds disclosed by the '835 patent, the '109 patent, or the '200 patent. Moreover, there is no suggestion in the

prior art of record or in the references cited in the Fifth Supplemental Information Disclosure Statement to modify the compounds described by the '835 patent, the '109 patent, or the '200 patent to arrive at compounds of the present invention.

The claims as previously allowed do not read on the compounds disclosed in the partial English translation of JP 56-104883 (reference AT54).

Page 34 of First Supplemental Information Disclosure Statement

Applicants have attached a copy of page 34 of Applicants' previously submitted First Supplemental Information Disclosure Statement filed January 17, 2002, and signed by the Examiner on March 8, 2002. Applicants request that the Examiner also initial and return a copy of this page, and indicate in the official file wrapper of this patent application that the documents have been considered.

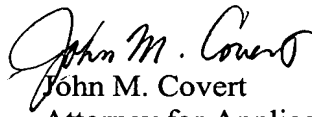
Conclusion

Applicants believe that the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of the Request for Continued Examination is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


John M. Covert
Attorney for Applicants
Registration No. 38,759

Date: March 26, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

245593_1.DOC